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MINUTES

MANSFIELD PLANNING AND ZONING COMMISSON

Regular Meeting, Monday, May 15, 2006

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), J. Goodwin, R. Hall, K. Holt, P.

Kochenburger, B. Ryan, G. Zimmer

Members absent: B. Gardner, P. Plante, Alternates present: C. Kusmer, B. Pociask,

Alternates absent: V. Stearns

Staff present: C. Hirsch (Zoning Agent), G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:08 p.m. Alternates Pociask and Kusmer were designated to act.

Minutes:

5/1/06 – Zimmer MOVED, Holt seconded, to approve the Minutes as submitted; MOTION CARRIED, all in favor except Kusmer (disqualified).

5/9/06 Field Trip – Holt MOVED, Favretti seconded, to approve the Minutes, adding Holt's attendance; MOTION CARRIED with Favretti, Goodwin, Holt and Ryan in favor, all others disqualified.

Zoning Agent's Report

- A. The enforcement report was received without comment.
- B. Request for revisions to DAE and BAE, Lot 2, The Wood subdivision, PZC file #1210 Holt disqualified herself. A 5/11/06 memo from the Zoning Agent was noted. After discussion, Ryan MOVED, Kochenburger seconded, that the Planning & Zoning Commission approve the proposed revisions to the development area envelope and the building area envelope for Lot 2 of The Woods subdivision, as described by Peter Miniutti, in an 8/26/05 letter, and as shown on a site plan dated 8/25/05. MOTION CARRIED with all in favor except Holt, who disqualified herself.
- C. Request for additional road & drainage construction, Wild Rose Estates, PZC file #1113-3 A 5/11/06 letter from KMC, LLC, and a 5/11/06 report from the Zoning Agent were noted. Mr. Hirsch reviewed the request and related that the Assistant Town Engineer had verbally related that he had no objection to the request. After discussion, Holt MOVED, Hall seconded, that the Planning & Zoning Commission approve the construction of Blake Lane and related drainage work, to be completed as part of the phase 2A construction, and that the PZC Chairman, with staff assistance, be authorized to

sign a revised bonding agreement to incorporate the subject work. This approval does not authorize the Zoning Agent to issue zoning permits for any lots that are not within phase 2A of the subdivision. MOTION CARRIED UNANIMOUSLY.

D. Other, Chairman Favretti MOVED and Holt seconded, that the Commission add to the Agenda an opportunity for Mansfield representatives of the American Civil Liberties Union to comment on political sign regulations. The MOTION CARRED UNANIMOUSLY.

Charles Prewitt and Kathy White of the New England Chapter of the ACLU recommended that Mansfield eliminate existing political sign regulations which are considered inappropriate, due to First Amendment rights. Mr. Prewitt referred to a letter previously submitted by C. Stites and emphasized that if Mansfield has agreed not to enforce existing provisions, the regulations should be eliminated. In response to PZC questions, Ms. White noted that she was aware that at least one complaint has been filed regarding Mansfield regulations, and Mr. Prewitt related that he was not aware of any Connecticut lawsuits on this issue. During following discussion, it was noted that this issue had been referred to the Regulatory Review Committee and if the PZC wished to take any actions to eliminate or modify existing regulations before the fall election period, a proposal would need to be ready for referrals by the second meeting in July. In response to questions from M. Dilaj, the Zoning Agent said he has had to remove some political signs from utility poles and respond to some complaints about timing but that he has not been enforcing existing provisions on private property. Mr. Padick confirmed that political signs on business properties are not authorized in our regulations. Padick was asked to check with CCM to see if they were aware of legal opinions on this issue.

Old Business

Item 1 was postponed until after tonight's Public Hearings.

Items 2, 3 and 4 were tables due to the need for staff reports or public hearing schedules.

New Business

- 1. New Resubdivision Application, proposed revision of lots 29 and 33 in the Maplewoods Section 2 Subdivision, Maple Road/MaxFelix Drive, into 3 lots, Depot Associates, o/a file #974-3 Holt MOVED, Hall seconded, to receive the resubdivision application (#974-3) submitted by Depot Associates for dividing two approved lots into three lots at Maplewoods Section II, on property located on Maple Road and MaxFelix Drive, owned by Depot Associates, as shown on plans dated 3/29/06, and as described in other application submissions, and to refer said application to the staff for review and comments, and to set a public hearing for June 19, 2006. MOTION CARRIED UNANIMOUSLY.
- 2. Request to re-approve Hanks Hill Estates Section 5, PZC file #596-4 A 5/2/06 letter from M. Taylor and a 5/12/06 memo from the Director of Planning were noted.

After discussion, Holt MOVED, Hall seconded, that the 5/2/06 letter from M. Taylor regarding Hanks Hill Estates Section 5 be referred to staff for a recommendation that may be considered following the end of the subdivision moratorium. MOTION CARRIED UNANIMOUSLY.

- 3. Storrs Campus Master Plan Update January, 2006 Mr. Padick noted that this updated plan was an important resource and should be reviewed. He noted that it will soon be available at the University of Connecticut website.
- 4. Sand & Gravel Special Permit renewals: A 5/11/06 memo from the Zoning Agent was noted after discussion. Holt MOVED, Hall seconded, that the Commission set a public hearing for June 19, 2006, for the purpose of hearing special permit gravel renewal requests for Banis, Dunstan and Hall. MOTION CARRIED UNANIMOUSLY.

Reports of Officers and Committees

- · There was no report from the Chairman or Regional Planning Commission Representatives.
- It was noted that the next Regulatory Review Committee meeting has been changed to June 6th at 2:00 p.m.

Communications and Bills The agenda items were noted. Mr. Padick briefly reviewed item 3 (new Mansfield Housing Code) and Mrs. Holt noted that Mansfield's Downtown Project was referred to in item 6, the Spring '06 Planning Commissioners Journal.

Public Hearing: Special permit application, proposed efficiency unit and fill activity, property of M. & V. Oliver, 521 Storrs Rd., file #1244 The Public Hearing was called to order at 7:47 p.m. Goodwin disqualified herself. Members and alternates present were: Favretti, Hall, Holt, Kochenburger, Kusmer, Pociask, Ryan and Zimmer. The legal notice, as submitted to the Willimantic Chronicle, was read and communications were noted from Director of Planning (5/12/06); The Assistant Town Engineer (5/12/06); Director of Health (5/12/06); Windham Water Works (4/10/06), and Fire Marshal (5/15/06). Chairman Favretti noted that a field trip visit was made to the site.

M. Dilaj, professional engineer and land surveyor, representing the applicant, described the application which involves a proposed efficiency unit and the deposition of more than 500 cubic yards of fill. He handed in certified mail receipts and related that all but one of the neighbors signed the receipts and the other was refused. Mr. Dilaj described pertinent aspects of the proposed efficiency and the manner in which the regulations had been met. He related that the 1,000 foot driveway involved cuts and fills, and the material that would be brought to the site was gravel for the driveway surfacing. In response to the Fire Marshal's report, he related that an additional driveway by-pass area could be added to the plans. He discussed erosion and sediment control provisions and noted the plans had been approved by the Inland Wetland Agency.

In response to PZC questions, the following additional information was noted:

The ZBA had approved a frontage variance that allows for the division of one lot of record into two;

The new house with efficiency will have a total of six (6) bedrooms;

The plans could be revised to add that stores from disturbed walls will be used to improve other existing walls;

that disturbed areas will be hydroseeded;

that a DOT permit had been applied for but not yet acted upon;

that the first 300 feet of driveway will be paved, including the area crossing the existing footpath west of Storrs Road.

M. Giddings of 529 Storrs Rd. asked for clarification regarding the paved portion of the drive and Mr. Dilaj clarified that the initial 300 foot section for Storrs Road, which includes the steepest grades, would be paved.

There were no other public comments.

Chairman Favretti noted that the Director of Planning had not yet completed his report but had verbally related that he did not anticipate new issues or concerns. Favretti MOVED, Ryan seconded, that the Public Hearing be continued until June 5, 2006. MOTION CARRIED with all in favor except Goodwin who disqualified herself. The Hearing was recessed at 8:09 p.m.

Mr. Hall agreed to work on a motion for consideration at the next meeting.

Public Hearing: Application to amend the Zoning Regulations, Article X, Section D.5.0, parking requirements for retail and personal service uses, U.S. Properties, applicant, file #1245 The Public Hearing was called to order at 8:12 p.m. Members and alternates present were Favretti, Goodwin, Hall, Holt, Kochenburger, Kusmer,, Pociask, Ryan and Zimmer. The legal notice, as it was submitted to the Willimantic Chronicle, was read and communications were noted from: The WINCOG Regional Planning Commission (5/4/06) (comments were read by Padick as per statutory requirements) and Assistant Town Engineer (5/10/06).

Jerry Iazetta of Towne Engineering, representing the applicant, U.S. Properties, submitted a supplemental packet of information and read a letter from David Mills of U.S. Properties who was not able to attend the hearing. Mr. Iazetta explained the nature and rationale for the proposed revision to the parking regulation pertaining to the number of spaces required for retail and personal services uses. He noted that the existing definition of Net Floor Area, which is currently used for retail/personal service uses in buildings larger than 250,000 square feet, can also be considered appropriate for all such uses. He noted that numerous studies have documented that many Towns now require excess parking and that many Towns have recently revised their regulations to address this issue. He described the information in his handout which included information from the Institute of Transportation Engineers Parking Generation Manual, 3rd Edition, and a recent article by N. Garreck and W. Marshall. Mr. Iazetta noted that U.S. Properties is planning an expansion of the uses on its Storrs Road site which currently contains Staples

and that the proposed revision would allow them to provide adequate parking and more room for aesthetic improvements.

After discussion, Mr. Iazetta noted that, as deemed appropriate by the PZC, the applicant is willing to modify their proposal so that the net floor area provision would only apply to sites with over 50,000 square feet of commercial space.

There was no comment from the audience.

After further discussion, Holt MOVED, Hall seconded, to continue the Public Hearing be continued until June 5, 2006. The MOTION CARRIED UNANIMOUSLY. The Hearing was recessed at 8:40 p.m.

Other Old Business

PZC-proposed revisions to the Zoning Map, Zoning Regulations and Subdivision Regulations, file #907-27 Kusmer disqualified himself as he had not listened to the testimony at the last meeting. Chairman Favretti suggested that the proposed revisions be discussed before motions were made. Mr. Kochenburger noted that working with staff, he was prepared to make eight separate motions that would group the proposed revisions into distinct but related actions. He noted that comments had come from the public regarding non-conformities and the effect of re-zoning that created new non-conforming lots, and he asked Padick to discuss this issue and existing regulations. Padick, noting that this issue was partially addressed in the Zoning Agent's report, explained existing provisions in Articles VII and IX of Mansfield's Zoning Regulations. He related that unlike some towns, Mansfield has flexible standards for non-conformities that provide a number of safeguards designed to minimize any impacts from rezonings that create new non-conformities. Favretti discussed testimony received regarding soils in Mansfield and noted that many of the good soils are located in close proximity to marginal or poor soils or steep slopes. He also emphasized that many of the good soils are agricultural in nature or in areas that have already been developed. He concluded that he had considered the testimony but was ready to support approval of all of the proposed revisions.

Holt, noting that some good points were made, and that approving the proposed revisions would not preclude individual applicants seeking further revisions in the future, related that she intends to support the proposed revisions.

Hall agreed that some good points were made at the hearing and some revisions may need to be revisited.

Motion #1 After determining that no other members wished to comment at this time, Kochenburger MOVED, Holt seconded, to approve effective May 31, 2006, the rezoning of all existing areas zoned Residence 40 (R-40) to a new Residence 90 (R-90) zone classification as depicted on a March 20, 2006 draft revision to the Zoning Map, and to approve, effective May 31, 2006, related revisions to Articles II, VII and VIII, Section A, as described in a March 20, 2006 listing of draft revisions to Mansfield's Zoning

Regulations and Subdivision Regulations. The subject Zoning Map and Zoning Regulation revisions were presented at a May 1, 2006 Public Hearing and the proposed revisions, which are attached, were filed prior to the Public Hearing with the Mansfield Town Clerk.

The Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and the Mansfield Town Attorney. The zoning map and regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statues, including Section 8-2, which grants the Commission the following:

- Ø the authority to regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- Ø the authority to divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of Chapter 124 of the Connecticut General Statutes; and, within such districts, the authority to regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land;
- Ø the mandate to consider the Plan of Conservation and Development prepared under Section 8-23:
- Ø the mandate to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements;
- Ø the mandate to give reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality:
- Ø the authority that reasonable consideration be given for the protection of existing and potential public surface and ground drinking water supplies;
- Ø the authority to encourage energy-efficient patterns of development.

The subject zoning map revision and regulation revision have been adopted because they promote most, if not all of these statutory goals. Furthermore, the Commission has adopted the subject zoning map and regulation revisions for the following reasons:

1. The subject rezoning from R-40 to R-90 and related regulation revisions help implement goals, objectives and recommendations contained in Mansfield's 2006 Plan of Conservation and Development and are fully consistent with recommendations contained in State and Regional land use plans. See letter from WINCOG Regional Planning Commission. More specifically, these revisions promote policy goals 1 and 2 and recommendations associated with policy goal 1, objective b (pages 30 and 31); objective d (page 33); policy goal 2, objective a (page 35); and objective c (page 38).

- 2. The revisions are designed in association with other proposed or planned zoning map and regulation revisions, to provide a greater degree of protection for the Town's natural and man-made resources by reducing the number of new house lots in areas without public sewer and water systems. Undeveloped portions of the existing R-40 zone are not served by public systems and contain wetland watercourse areas and other development limitations that are documented or referenced in Mansfield's Plan of Conservation and Development. A primary goal of Mansfield's Plan of Conservation and Development is to help promote higher density in areas with sewer and water infrastructure and lower densities in other areas of Town to help protect identified resources. The Commission has determined that to implement this Town-wide goal it is more appropriate to rezone an entire zone rather than to try to identify on a lot by lot or neighborhood by neighborhood basis, which areas or lots should be rezoned and which areas or lots should retain the existing zone classification.
- 3. Existing regulations and state laws provide appropriate protections for existing lots that will become dimensionally non-conforming due to the proposed rezoning.
- 4. Existing permitted use provisions and the schedule of dimensional requirements needed to be revised to reflect the elimination of the R-40 zone and creation of a new R-90 zone. The adopted revisions do not alter permitted uses in the subject areas.

Kochenburger commented that he knew that some R-40 areas were located near UConn but that he felt it would be better to approve the rezoning as proposed. Zimmer noted and Holt agreed that if sewer and water services become available or other factors need to be considered, that this area could be reviewed again. MOTION CARRIED with all in favor except Kusmer who disqualified himself.

Motion #2 Kochenburger MOVED, Holt seconded, to approve effective May 31, 2006, the rezoning of all existing areas zoned Rural Agricultural Residence 40 (RAR-40) to a Rural Agricultural Residence 90 (RAR-90) zone classification as depicted on a March 20, 2006 draft revision to the Zoning Map, and to approve, effective May 31, 2006, related revisions to Articles II, VII and VIII, Section A, as described in a March 20, 2006 listing of draft revisions to Mansfield's Zoning Regulations and Subdivision Regulations. The subject Zoning Map and Zoning Regulation revisions were presented at a May 1, 2006 Public Hearing and the proposed revisions, which are attached, were filed prior to the Public Hearing with the Mansfield Town Clerk.

The Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and the Mansfield Town Attorney. The zoning map and regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statues, including Section 8-2, which grants the Commission the following:

Ø the authority to regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes;

- Ø the authority to divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of Chapter 124 of the Connecticut General Statutes; and, within such districts, the authority to regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land;
- Ø the mandate to consider the Plan of Conservation and Development prepared under Section 8-23;
- Ø the mandate to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements;
- Ø the mandate to give reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;
- Ø the mandate that zoning regulations shall be made with reasonable consideration for their impact on agriculture;
- Ø the authority that reasonable consideration be given for the protection of historic factors and for the protection of existing and potential public surface and ground drinking water supplies;
- Ø the authority to encourage energy-efficient patterns of development.

The subject zoning map revision and regulation revision have been adopted because they promote most if not all of these statutory goals. Furthermore, the Commission has adopted the subject zoning map and regulation revisions for the following reasons:

- 1. The subject rezoning from RAR-40 to RAR-90 and related regulation revisions help implement goals, objectives and recommendations contained in Mansfield's 2006 Plan of Conservation and Development and are fully consistent with recommendations contained in State and Regional land use plans. See letter from WINCOG Regional Planning Commission. More specifically, these revisions promote policy goals 1 and 2 and recommendations associated with policy goal 1, objective b (pages 30 and 31); objective d (page 33); policy goal 2, objective a (page 35); objective b (page 37); and objective c (page 38).
- 2. The revisions are designed in association with other proposed or planned zoning map and regulation revisions, to provide a greater degree of protection for the Town's natural and man-made resources by reducing the number of new house lots in areas without public sewer and water systems. With little or no exception, undeveloped portions of the existing RAR-40 zone are not served by public systems and contain wetland watercourse areas, other development limitations and important agricultural and interior forest areas, important historic areas and important ridge lines, hilltops and other areas of scenic importance, that are documented or referenced in Mansfield's Plan of Conservation and Development. The Town's goal is to help promote higher density in areas with sewer and water infrastructure and lower densities in other areas of Town to help protect identified resources. The Commission has determined that to implement this

Town-wide goal it is more appropriate to rezone an entire zone rather than to try to identify on a lot by lot or neighborhood by neighborhood basis, which areas or lots should be rezoned and which areas or lots should retain the existing zone classification.

3. Existing regulations and state laws provide appropriate protections for existing lots that will become dimensionally non-conforming due to the proposed rezoning.

MOTION CARRIED with all in favor except Kusmer who disqualified himself.

Motion #3 Kochenburger MOVED, Holt seconded, to approve effective May 31, 2006, the rezoning of all existing areas zoned Rural Agricultural Residence 40/MF (RAR-40/MF) to a Rural Agricultural Residence 90 (RAR-90) zone classification as depicted on a March 20, 2006 draft revision to the Zoning Map, and to approve, effective May 31, 2006, related revisions to Articles II, VII and VIII, Section A, as described in a March 20, 2006 listing of draft revisions to Mansfield's Zoning Regulations and Subdivision Regulations. The subject Zoning Map and Zoning Regulation revisions were presented at a May 1, 2006 Public Hearing and the proposed revisions, which are attached, were filed prior to the Public Hearing with the Mansfield Town Clerk.

The Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and the Mansfield Town Attorney. The zoning map and regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statues, including Section 8-2, which grants the Commission the following:

- Ø the authority to regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- Ø the authority to divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of Chapter 124 of the Connecticut General Statutes; and, within such districts, the authority to regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land;
- Ø the mandate to consider the Plan of Conservation and Development prepared under Section 8-23;
- Ø the mandate to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements;
- Ø the mandate to give reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;
- Ø the mandate that zoning regulations shall be made with reasonable consideration for their impact on agriculture;

- Ø the authority that reasonable consideration be given for the protection of historic factors and for the protection of existing and potential public surface and ground drinking water supplies;
- Ø the authority to encourage energy-efficient patterns of development.

The subject zoning map revision and regulation revision have been adopted because they promote all of these statutory goals. Furthermore, the Commission has adopted the subject zoning map and regulation revisions for the following reasons:

- 1. The subject rezoning from RAR-40/MF to RAR-90 and related regulation revisions help implement goals, objectives and recommendations contained in Mansfield's 2006 Plan of Conservation and Development and are fully consistent with recommendations contained in State and Regional land use plans. See letter from WINCOG Regional Planning Commission. More specifically, these revisions promote policy goals 1 and 2 and recommendations associated with policy goal 1, objective b (pages 30 and 31); objective d (page 33); policy goal 2, objective a (page 35); objective b (page 37); and objective c (page 38).
- 2. The revisions are designed in association with other proposed or planned zoning map and regulation revisions, to provide a greater degree of protection for the Town's natural and man-made resources by reducing the number of new house lots in areas without public sewer and water systems. With little or no exception, undeveloped portions of the existing RAR-40 zone are not served by public systems and contain wetland watercourse areas, other development limitations and important agricultural and interior forest areas, important historic areas and important ridge lines, hilltops and other areas of scenic importance, that are documented or referenced in Mansfield's Plan of Conservation and Development. The Town's goal is to help promote higher density in areas with sewer and water infrastructure and lower densities in other areas of Town to help protect identified resources. The Commission has determined that to implement this Town-wide goal it is more appropriate to rezone an entire zone rather than to try to identify on a lot by lot or neighborhood by neighborhood basis, which areas or lots should be rezoned and which areas or lots should retain the existing zone classification.
- 3. Existing regulations and state laws provide appropriate protections for existing lots that will become dimensionally non-conforming due to the proposed rezoning.

MOTION CARRIED with all in favor except Kusmer, who disqualified himself.

Motion #4 Kochenburger MOVED, Holt seconded, to approve effective May 31, 2006, revisions to Article VIII, Section A and Section B.6.b. of the Zoning Regulations as described in a March 20, 2006 listing of draft revisions to Mansfield's Zoning and Subdivision Regulations. The subject regulations authorize the Planning and Zoning Commission to require, based on soils and other site characteristics, new lots in the RAR-90 and R-90 zones to be reduced from a minimum lot size of 90,000 square feet down to 40,000 square feet or the minimum required by Article VIII, Section B.6.a. in order to implement "cluster development" in areas without public sewer and water systems.

Cluster development is specially authorized by Sections 8-18 and 8-25 of the State Statutes. The subject regulation revisions, which are attached, were presented at a May 1, 2006 Public Hearing and were filed prior to the Hearing with the Mansfield Town Clerk.

The Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and the Town Attorney. These regulation amendments are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statues, including Sections 8-2 and 8-25, which grant the Commission the following:

- Ø the authority to regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- Ø the mandate to consider the Plan of Conservation and Development prepared under Section 8-23;
- Ø the mandate to promote health, public safety and the general welfare, to prevent the overcrowding of land;
- Ø the mandate to give reasonable consideration as to the character of a zoning district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;
- Ø the authority, based on soil types, terrain, infrastructure capacity and the Plan of Conservation and Development for a community to require cluster development as defined by Section 8-18;
- Ø the mandate that zoning regulations shall be made with reasonable consideration for their impact on agriculture;
- \emptyset the authority that reasonable consideration be given for the protection of historic factors and for the protection of existing and potential public surface and ground drinking water supplies;
- Ø the authority to encourage energy-efficient patterns of development.

The subject zoning regulation revisions have been adopted because they promote most if not all of these statutory goals. Furthermore, the Commission has adopted the subject regulation revisions for the following reasons:

- 1. These revisions are designed to encourage or require the siting of new residences in a cluster development pattern that increases the percentage of preserved open space and helps minimize impacts on the Town's natural, historic, agricultural and scenic resources. Cluster development would specifically promote policy goals 1, 2 and 4 of Mansfield's Plan of Conservation and Development and many of the Plan's objectives and recommendations. Cluster development is specifically provided for in Sections 8-18 and 8-25 of the State Statutes.
- 2. The proposed revisions to Article VIII of the Zoning Regulations and Section 7.4.a of the Subdivision Regulations specifically address recommendations associated with the following Plan of Conservation and Development objectives: Policy goal 1, objective d

(pg. 33); policy goal 2, objective a (pg. 35), b (pg. 37), c (pg. 38), d (pg. 39), e (pg. 39), and policy goal 4, objective b (pgs 41 and 42).

- 3. Based on information as documented or referenced in Mansfield's recently updated Plan of Conservation and Development, a high percentage of areas that are not served by public sewer and water services contain wetland soils and other soils with severe development limitations, areas with steep slopes, areas with bedrock at or near the surface, areas with high groundwater levels, important agricultural areas or soils with agricultural potential, interior forest areas, important historic villages and sites and important ridge lines, hilltops and other areas of scenic importance. Implementation of a "cluster development" pattern of residential development in these areas will help prevent health and safety problems and help protect identified resources.
- 4. The use of cluster development principles will help protect surface and groundwater quality and existing or potential water supply wellfields and will help reduce potential impacts within the watershed of the Willimantic Reservoir.
- 5. The use of cluster development principles will help promote many goals and objectives contained in the 2002 WINCOG Regional Land Use Plan and in the 2005-2010 Connecticut Policies Plan for Conservation and Development. See letter from WINCOG Regional Planning Commission.

MOTION CARRIED with all in favor except Kusmer, who disqualified himself.

Motion #5 Kochenburger MOVED, Holt seconded, to approve effective May 31, 2006, revisions to Article VIII, Section A, Section B.6.a. of the Zoning Regulations as described in a March 20, 2006 listing of draft revisions to Mansfield's Zoning and Subdivision Regulations. This revision would increase, for new lots with on-site sanitary systems, the minimum area needed within a uniform configuration (as currently defined) to 40,000 square feet without existing slopes exceeding fifteen percent, visible ledge, watercourses, waterbodies or inland wetland soils, drainage easements, conservation easements or other easements that will limit or restrict on-site uses. The subject regulation revisions, which are attached, were presented at a May 1, 2006 Public Hearing and were filed prior to the Hearing with the Mansfield Town Clerk.

The Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and the Town Attorney. These regulation amendments are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statues, including Section 8-2, which grant the Commission the following:

- Ø the authority to regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- Ø the mandate to consider the Plan of Conservation and Development prepared under Section 8-23;
- Ø the mandate to promote health, public safety and the general welfare, to prevent the overcrowding of land;

- Ø the mandate to give reasonable consideration as to the character of a zoning district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;
- Ø the authority that reasonable consideration be given for the protection of existing and potential public surface and ground drinking water supplies;

The subject zoning regulation revision has been adopted because it promotes most if not all of these statutory goals. Furthermore, the Commission has adopted the subject regulation revision for the following reasons:

- 1. This revision is considered appropriate to provide adequate area for necessary onsite needs, including septic systems and wells without inappropriate encroachment on natural or manmade resources. This revision is specifically recommended in Mansfield's Plan of Conservation & Development and is considered appropriate due to Mansfield's unique physical character, which includes extensive wetlands and many other physical constraints for development, particularly for new homes dependent on on-site septics and wells.
- 2. The 40,000 square foot area requirement was established after consultation with Eastern Highland Health District's Director. This standard is supported by the Health District (see 4/28/06 letter from Director of Health).
- 3. This revision is designed to be implemented in conjunction with other proposed or planned zoning map and regulation revisions to provide a greater degree of protection for the Town's natural and manmade resources by reducing the number of new house lots in areas without public sewer and water systems. The Town's goal is to help promote higher density in areas with sewer and water infrastructure and lower densities in other areas of Town to help protect identified resources.
- 4. As documented in Mansfield's recently updated Plan of Conservation and Development, a high percentage of areas without public sewer and water contain wetland soils and other soils with severe development limitations, areas with steep slopes, areas with bedrock at or near the surface, areas with high groundwater levels, important agricultural areas or soils with agricultural potential, interior forest areas, important historic villages and sites and important ridge lines, hilltops and other areas of scenic importance. The proposed regulation revision will help prevent health and safety problems and help prevent inappropriate encroachments on natural and manmade resources.
- 5. This revision will help protect surface and groundwater quality and existing or potential water supply wellfields and will help reduce potential impacts within the watershed of the Williamntic Reservoir.

Hall commented that he hopes someone will re-visit this revision as he feels the 15% slope may be inappropriate. Zimmer noted that fifteen percent is steep.

MOTION CARRIED with all in favor except Kusmer, who disqualified himself.

Motion #6 Kochenburger MOVED, Holt seconded, to approve effective May 31, 2006, revisions to Article X, Section J and Section M of the Zoning Regulations as described in a March 20, 2006 listing of draft revisions to Mansfield's Zoning and Subdivision Regulations. The subject regulations establish 40,000 square feet as the minimum lot size to qualify for single-family houses with efficiency units and 60,000 square feet as the minimum lot size to qualify for conversions of certain dwellings to add one or two additional dwelling units. Other approval criteria and application requirements for efficiency units and conversions are not being changed by this revision. The subject regulation revisions, which are attached, were presented at a May 1, 2006 Public Hearing and were filed prior to the Hearing with the Mansfield Town Clerk.

The Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and the Town Attorney. These regulation amendments are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statues, including Section 8-2, which grants the Commission the following:

- Ø the authority to regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- Ø the mandate to consider the Plan of Conservation and Development prepared under Section 8-23;
- Ø the mandate to promote health, public safety and the general welfare, to prevent the overcrowding of land;
- Ø the mandate to give reasonable consideration as to the character of a zoning district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;

The subject zoning regulation revisions have been adopted because they promote most if not all of these statutory goals. Furthermore, the Commission has adopted the subject regulation revisions for the following reason:

- 1. The proposed 40,000 sq. ft. lot size provision for efficiency units will expand efficiency unit opportunities for all areas now zoned RAR-90, where 90,000 sq. ft. lots are now required for efficiency units. In similar fashion, the conversion provision will increase potential conversion opportunities in areas now zoned RAR-90.
- 2. The proposed changes are expected to add additional rental units and promote new affordable housing opportunities in Mansfield. This change promotes policy goal 3 and, more specifically, objective a and the objective a recommendations (pg. 40).

MOTION CARRIED with all in favor except Kusmer, who disqualified himself.

Motion #7 Kochenburger MOVED, Holt seconded, to approve effective May 31, 2006, revisions to Sections 5.2, 6.5, 6.10, 7.2 and 13.1 of the Subdivision Regulations as described in a March 20, 2006 listing of draft revisions to Mansfield's Zoning and

Subdivision Regulations. The subject regulations establish more specific provisions for the submittal and approval of yield plans, which help determine the maximum number of subdivision lots that may be approved and revise the subdivision open space dedication requirements to authorize the Commission to require up to forty (40) percent open space dedications in association with "cluster development" in areas without public sewer and water systems. Cluster development is specially authorized by Sections 8-18 and 8-25 of the State Statutes. The subject regulation revisions, which are attached, were presented at a May 1, 2006 Public Hearing and were filed prior to the Hearing with the Mansfield Town Clerk.

The Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and the Town Attorney. These regulation amendments are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statues, including Section 8-25, and are adopted for the following reasons:

- 1. To regulate land uses in a manner best suited to carry out the purposes of Title 8, Chapter 124 of the CT State Statutes and to promote the public's health, safety and welfare:
- 2. To promote goals, objectives and recommendations contained in Mansfield's recently updated Plan of Conservation and Development. More specifically, policy goals 1 and 2 and the recommendations of policy goal 1, objective d (pg. 33) and policy goal 2, objectives a (pg. 35 and 36), b (pg. 37), c (pg. 38), d and e (both page 39).
- 3. To clarify regulatory provisions, particularly with respect to the submittal of yield plans and related frontage or setback waivers.
- 4. These revisions are designed to implement the siting of new residences in a cluster development pattern that increases the percentage of preserved open space and helps minimize impacts on the Town's natural, historic, agricultural and scenic resources. Cluster development is specifically provided for in Sections 8-18 and 8-25 of the State Statutes. The proposed forty (40) percent open space dedication requirement is consistent with the cluster development authorization contained in the State Statutes.
- 5. Based on information as documented or referenced in Mansfield's recently updated Plan of Conservation and Development, a high percentage of undeveloped land in Mansfield that is not served by public sewer and water services contain wetland soils and other soils with severe development limitations, areas with steep slopes, areas with bedrock at or near the surface, areas with high groundwater levels, important agricultural areas or soils with agricultural potential, interior forest areas, important historic villages and sites and important ridge lines, hilltops and other areas of scenic importance. Implementation of a "cluster development" pattern of residential development in these areas will help prevent health and safety problems and help protect identified resources.
- 6. The use of cluster development principles and associated open space dedication provisions will help protect surface and groundwater quality and existing or potential

water supply wellfields and will help reduce potential impacts within the watershed of the Willimantic Reservoir.

7. The use of cluster development principles and associated open space dedication provisions will help promote many goals and objectives contained in the 2002 WINCOG Regional Land Use Plan and in the 2005-2010 Connecticut Policies Plan for Conservation and Development. See letter from WINCOG Regional Planning Commission.

MOTION CARRIED with all in favor except Kusmer, who disqualified himself.

Motion #8 Kochenburger MOVED, Holt seconded, to approve effective May 31, 2006, revisions to Article VIII, Section B.7 and Article X, Section O of the Zoning Regulations and Section 4.8 of the Subdivision Regulations as described in a March 20, 2006 listing of draft revisions to Mansfield's Zoning and Subdivision Regulations. The subject regulations reference the statutory provisions of 8-26a which provide special dimensional protections for undeveloped lots in previously approved subdivisions, delete existing provisions for open space subdivisions which have never been utilized in Mansfield and are no longer considered appropriate as currently worded, and implement a necessary reference revision regarding home occupations in the R-40 zone, which is being eliminated. The subject regulation revisions, which are attached, were presented at a May 1, 2006 Public Hearing and were filed prior to the Hearing with the Mansfield Town Clerk.

The Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and the Town Attorney. These regulation amendments are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statues, including Sections 8-2 and which grant the Commission the following:

- Ø the authority to regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- Ø the mandate to consider the Plan of Conservation and Development prepared under Section 8-23:
- Ø the mandate to promote health, public safety and the general welfare, to prevent the overcrowding of land;
- Ø the mandate to give reasonable consideration as to the character of a zoning district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;

The subject zoning regulation revisions have been adopted because they promote most if not all of these statutory goals. Furthermore, the Commission has adopted the subject regulation revisions for the following reasons:

- 1. To alert property owners about special statutory provisions enacted by the legislature in 2004 to provide special dimensional protections for undeveloped lots in previously approved subdivisions;
- 2. To clarify existing regulatory provisions by deleting all provisions and references to open space subdivisions. This provision, which was only applicable in R-40 zones with sewer and water service was never utilized in Mansfield and is no longer considered appropriate due to the lack of public infrastructure in areas where these regulations could be applied.
- 3. To incorporate a necessary technical reference revision in the home occupation section to address the Commission's deletion of the R-40 zone.

The MOTION CARRIED with all in favor except Kusmer, who disqualified himself.

Noting there was no additional business, Favretti declared the meeting adjourned at 9:50 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary